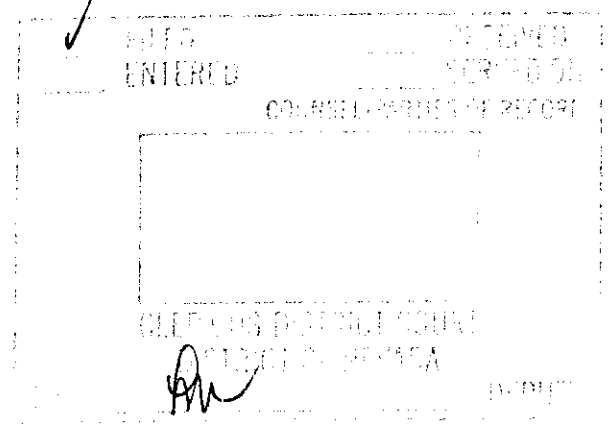


1 DANIEL G. BOGDEN,
 2 United States Attorney
 3 ERIC JOHNSON
 Chief, Organized Crime Strike Force,
 4 MARTY WOELFLE,
 Organized Crime and Racketeering Section,
 5 333 Las Vegas Blvd. South, Suite 5000
 Las Vegas, Nevada 89101
 (702) 388-6336
 (702) 388-6418 Fax



7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 **-oOo-**

10 UNITED STATES OF AMERICA,) **SUPERSEDING INDICTMENT**

11) Plaintiff,) **CR-S-02- 674-PMP(LRL)**

12) v.)

13 **CHAO FAN XU,**) 8 U.S.C. § 1325(c) Marriage Fraud

also known as HUI YAT FAI,) 18 U.S.C. § 371, Conspiracy

14 **GUO JUN XU,**) 18 U.S.C. § 1546(a), Visa Fraud

also known as HUI KIT SHUN,) 18 U.S.C. § 1546(a), False Application

15 **WAN FANG KUANG,**) 18 U.S.C. § 2, Aiding and Abetting

also known as WENDY KUANG,)

16 also known as WENDY KWONG,)

YING YI YU, and)

17 **FION XU HUI YU,**)

also known as FION YU,)

18) Defendants.)

19)

20 **THAT GRAND JURY CHARGES THAT, at all times relevant to this Indictment:**

21 **SUMMARY OF VIOLATIONS**

22 1. Count 1, Conspiracy, Title 18, U.S.C. §§ 371 and 2, defendants CHAO FAN XU, GUO JUN XU,
 23 WAN FANG KUANG, YING YI YU and FION XU HUI YU; Count 2, Use of a Fraudulently Obtained
 24 Visa, Title 18, U.S.C. §§ 1546(a) and 2, defendant CHAO FAN XU; Count 3, Use of a Fraudulently Obtained
 25 Visa, Title 18, U.S.C. §§ 1546(a) and 2, defendant GUO JUN XU; Count 4, Marriage Fraud, Title 8, U.S.C.
 26 § 1325(c), Title 18, U.S.C. § 2, defendant GUO JUN XU; Count 5, Marriage Fraud, Title 8, U.S.C. § 1325(c),
 27 Title 18, U.S.C. § 2, defendant CHAO FAN XU; Count 6, Visa Fraud, Title 18, U.S.C. §§ 1546(a) and 2,
 28 defendant GUO JUN XU; Count 7, Use of a Fraudulently Obtained Visa, Title 18, U.S.C. §§ 1546(a) and 2,

1 defendant CHAO FAN XU; Count 8, Use of a Fraudulently Obtained Visa, Title 18, U.S.C. §§ 1546(a) and
 2 2, defendant GUO JUN XU; Count 9, Use of a Fraudulently Obtained Visa, Title 18, U.S.C. §§ 1546(a) and
 3 2, defendant GUO JUN XU; Count 10, Use of a Fraudulently Obtained Visa, Title 18, U.S.C. §§ 1546(a) and
 4 2, defendant CHAO FAN XU; Count 11, Use of a Fraudulently Obtained Visa, Title 18, U.S.C. §§ 1546(a)
 5 and 2, defendant GUO JUN XU.

6 **COUNT ONE**
 7 (Conspiracy)

8 **GENERAL ALLEGATIONS**

9 2. The Bank of China was a financial institution operating primarily in the People's Republic of China
 10 ("China"). The Bank of China ("the Bank") had a sub-branch office in Kaiping, China.

11 3. Defendant CHAO FAN XU, also known as HUI YAT FAI, was a citizen of China. From February
 12 of 1982 through approximately October of 2001, CHAO FAN XU was an employee of the Bank, employed
 13 at various branches and sub-branches of the Bank in Kaiping and Guangdong, China. From May of 1992
 14 through July of 1998, CHAO FAN XU was the General Manager of the Bank's Kaiping Sub-Branch. From
 15 August of 1998 through July of 2001, CHAO FAN XU was the Deputy Manager of the Accounting
 16 Department of the Bank's Guangdong Branch. From August of 2001 through approximately October of 2001,
 17 CHAO FAN XU was the Manager of the Corporate Business Department of the Bank's Guangdong Branch.
 18 On or about July 7, 1992, CHAO FAN XU and defendant WAN FANG KUANG, also known as WENDY
 19 KUANG and WENDY KWONG, also a citizen of China, were married in Kaiping, Guangdong, China.

20 4. Defendant GUO JUN XU, also known as HUI KIT SHUN, was a citizen of China. From
 21 February of 1982 through approximately October of 2001, GUO JUN XU was an employed at various
 22 branches and sub-branches of the Bank in Kaiping and Guangdong, China. From March of 1990 through
 23 February of 1994, GUO JUN XU was the Deputy Section Chief of the Credit Section of the Bank's Kaiping
 24 Sub-Branch. From March of 1994 through September of 1995, GUO JUN XU was the Section Chief of
 25 Human Resources and Executive Section of the Bank's Kaiping Sub-Branch. From October of 1995 through
 26 September of 1998, GUO JUN XU was the Deputy General Manager of the Bank's Kaiping Sub-Branch.
 27 From May of 2000 through approximately October of 2001, GUO JUN XU was the General Manager of the

28 //

1 Bank's Kaiping Sub-Branch. On or about April 30, 1985, GUO JUN XU and defendant YING YI YU, also
2 a citizen of China, were married in Kaiping, Guangdong, China.

3 5. On September 29, 1993, defendant FION XU HUI YU, then a citizen of China, married unindicted
4 co-conspirator Zhen Dong Yu, also a citizen of China, in Kaiping, Guangdong, China. From 1983 through
5 approximately October of 2001, Zhen Dong Yu was an employee of the Bank at various branches and sub-
6 branches. From November of 1992 through September of 1994, Zhen Dong Yu was Chief of the Credit
7 Section of the Bank's Kaiping Sub-Branch. From October of 1994 through July of 1998, Zhen Dong Yu was
8 the Deputy General Manager of the Bank's Kaiping Sub-Branch. From August of 1998 through May 2000,
9 Zhen Dong Yu was the General Manager of the Kaiping Sub-Branch. From June 2000 through October of
10 2001, Zhen Dong Yu was the Deputy General Manager of the Bank's Huizhou Branch.

11 6. Defendants CHAO FAN XU, GUO JUN XU and unindicted co-conspirator Zhen Dong Yu, and
12 others known and unknown, developed a scheme to defraud the Bank of China, using their management
13 positions at the Bank to embezzle money through fraudulent loans and other methods. Through the scheme,
14 defendants CHAO FAN XU, GUO JUN XU, unindicted co-conspirator Zhen Dong Yu, and others known and
15 unknown, embezzled approximately the monetary equivalent of \$485,000,000.00 to \$4,000,000,000.00 in U. S.
16 dollars from the Bank of China. Defendants CHAO FAN XU, GUO JUN XU, WAN FANG KUANG, YING
17 YI YU, FION XU HUI YU, and unindicted co-conspirator Zhen Dong Yu, then transferred the embezzled
18 proceeds into various businesses and financial accounts to avoid having the proceeds traced, and to use the
19 proceeds for personal, business and investment purposes.

20 CONSPIRACY CHARGE

21 7. Beginning on a date unknown, but no later than on or about 1994, and continuing through and until
22 the date of this Indictment, in the District of Nevada and elsewhere, defendants

23 CHAO FAN XU,
24 GUO JUN XU,
25 WAN FANG KUANG,
YING YI YU,
FION XU HUI YU,

26 and unindicted co-conspirator Zhen Dong Yu, did knowingly combine, conspire and agree with each other, and
27 with others known and unknown to the grand jury, to commit the following offenses:

28 //

1 (a) defrauding the United States, by impairing, impeding and frustrating the governmental functions
 2 of the Bureau of Immigration Enforcement and United States Citizenship and Immigration Services, within the
 3 Department of Homeland Security, and their predecessor agencies in the Immigration and Naturalization
 4 Service ("INS");

5 (b) knowingly entering into a marriage for the purpose of evading any provision of the immigration
 6 laws, in violation of Title 8, United States Code, Section 1325(c);

7 (c) making false statements in documents used by the INS to determine whether to allow certain
 8 people to remain in the United States, and the presentment of falsely procured documents to officials of the
 9 United States, in violation of Title 18, United States Code, Section 1546(a); and,

10 (d) falsifying, concealing, and covering up a material fact by trick, scheme and devise, and making
 11 false, fraudulent and fictitious material statements and representations, in a matter within the jurisdiction of the
 12 INS, in violation of Title 18, United States Code, Section 1001(a)(1)(2).

13 **OBJECTS OF THE CONSPIRACY**

14 8. Beginning on a date unknown, but no later than on or about 1994, defendants CHAO FAN XU,
 15 GUO JUN XU, unindicted co-conspirator Zhen Dong Yu, and others known and unknown, developed a
 16 scheme to defraud the Bank of China to enrich themselves, defendants WANFANG KUANG, YING YI YU,
 17 FION XU HUI YU and others known and unknown. Through the scheme, defendants CHAO FAN XU,
 18 GUO JUN XU, unindicted co-conspirator Zhen Dong Yu, and others known and unknown, embezzled
 19 approximately the monetary equivalent of \$485,000,000.00 to \$4,000,000,000.00 in U. S. dollars from the Bank
 20 of China. Defendants, and others known and unknown, used proceeds from their scheme to secure false
 21 identification, enter into sham marriages to fraudulently obtain United States citizenship and resident status,
 22 obtain false passports, visas and travel documents, to allow themselves and others, known and unknown, to
 23 travel internationally and to the United States, and to travel and live under false identities. Defendants'
 24 fraudulent obtaining of United States citizenship and resident status, and obtaining of false passports, visas and
 25 travel documents was done in part through false submissions and representations to the INS and the United
 26 States Department of State. Defendants sought to fraudulently obtain United States citizenship and resident
 27 status and obtain false passports, visas and travel documents to allow the defendants to invest, enjoy and use
 28 the proceeds from their embezzlement scheme, in part by allowing the members of the conspiracy to transfer

1 funds embezzled from the Bank of China to the United States and elsewhere, and spend those funds as they
2 chose. Defendants also sought to fraudulently obtain United States citizenship and resident status and obtain
3 false passports, visas and travel documents to provide defendants the opportunity and ability to flee China,
4 Hong Kong SAR, and remain in the United States, with the protection of falsely and illegally obtained citizen
5 and resident status, and to hide from or avoid removal, deportation or extradition to China and Hong Kong
6 SAR, if their scheme was discovered.

7 9. To accomplish the objectives of the conspiracy, the defendants CHAO FAN XU, GUO JUN XU,
8 and unindicted co-conspirator Zhen Dong Yu, used corrupt government officials in China to obtain false
9 identification from that government under false names. Defendants CHAO FAN XU, GUO JUN XU and
10 unindicted co-conspirator Zhen Dong Yu used their false Chinese identification papers to obtain false
11 identification and travel documents from Hong Kong Special Administrative Region ("Hong Kong SAR").
12 Subsequently, defendants CHAO FAN XU, GUO JUN XU and unindicted co-conspirator Zhen Dong Yu used
13 the false identification and travel documents from Hong Kong SAR to obtain false visas from a United States
14 Consulate in China. Defendants CHAO FAN XU, GUO JUN XU, unindicted co-conspirator Zhen Dong Yu,
15 and others known and unknown, used those false visas to travel to the State of Nevada, elsewhere in the
16 United States, and the world.

17 10. To accomplish the objectives of the conspiracy, the defendants CHAO FAN XU, GUO JUN XU,
18 WENDY KUANG, YING YI YU, FION XU HUI YU, unindicted co-conspirator Zhen Dong Yu, and others
19 known and unknown, used corrupt government officials in China to create, file and remove government
20 documents, falsely representing that they had dissolved their marriages, or were unmarried.

21 11. Defendants CHAO FAN XU, GUO JUN XU, WAN FANG KUANG, YING YI YU, FION XU
22 HUI YU and unindicted co-conspirator Zhen Dong Yu arranged fraudulent marriages with citizens of the
23 United States, to illegally gain entry into the United States, to gain permanent resident status, and eventually,
24 citizenship in the United States, based at least partially on their fraudulent marital status. Defendants CHAO
25 FAN XU, GUO JUN XU, WAN FANG KUANG, YING YI YU, FION XU HUI YU and unindicted co-
26 conspirator Zhen Dong Yu, made false statements, and caused others to make false statements to the INS and
27 the United States Department of State, to illegally enter the United States in the State of Nevada, and
28 elsewhere.

12. Defendants CHAO FAN XU, GUO JUN XU, WAN FANG KUANG, YING YI YU, FION XU HUI YU, unindicted co-conspirator Zhen Dong Yu, and others known and unknown, carried and transferred funds embezzled from the Bank, or resulting from the embezzlement of the Bank, to various banks, casinos and individuals in the State of Nevada and elsewhere in the United States, and the world.

Overt Acts

13. In furtherance of the conspiracy, and to effect its objectives, defendants, CHAO FAN XU, GUO JUN XU, WAN FANG KUANG, YING YI YU, FION XU HUI YU, and unindicted co-conspirator Zhen Dong Yu, together with each other and with other persons known and unknown to the Grand Jury, committed numerous overt acts, in the District of Nevada and elsewhere, including but not limited to the following:

Overt Act 1: On or about October 10, 1994, defendant YING YI YU married Hui Mun Cheng, also known as Xiao Min Zheng and Steve Cheng, a naturalized United States citizen, in Kaiping, China.

Overt Act 2: On or about October 10, 1994, defendant FION XU HUI YU married Tai Wah Wong, also known as Hua Huang, a naturalized United States citizen, in Kaiping, China.

Overt Act 3: On or about October 12, 1994, defendant WAN FANG KUANG caused the execution of a false affidavit that stated that defendant WAN FANG KUANG had been married to Wai Kwong Ho, also known as He Weiguang, on October 11, 1994.

Overt Act 4: On or about October 19, 1994, defendants GUO JUN XU and YING YI YU, caused a fraudulent decree of divorce between them to be notarized in Kaiping, China.

Overt Act 5: On or about October 17, 1994, Tai Wah Wong filed a fraudulent petition with the INS on behalf of defendant FION XU HUI YU.

Overt Act 6: On or about November 3, 1994, Wai Kwong Ho filed a fraudulent petition on behalf of defendant WAN FANG KUANG with the INS.

Overt Act 7: On or about November 9, 1994, Steve Cheng filed a fraudulent petition with the INS on behalf of defendant YING YI YU.

Overt Act 8: On or about February 1995, defendant FION XU HUI YU applied to the Chinese government for permission to immigrate to the United States. In support of this application, defendant FION XU HUI YU submitted a certificate of her fraudulent marriage to Tai Wah Wong, a naturalized United States citizen.

1 Overt Act 9: On or about May 1995, defendant YING YI YU, applied to the Chinese government for
2 permission to immigrate to the United States. In support of this application, defendant YING YI YU submitted
3 a certificate of her fraudulent marriage to Steve Cheng, a naturalized United States citizen.

4 Overt Act 10: On or about August 1995, defendant WAN FANG KUANG applied to the Chinese
5 government for permission to immigrate to the United States. In support of this application, defendant WAN
6 FANG KUANG submitted a false certificate of her marriage to Wai Kwong Ho, a naturalized United States
7 citizen.

8 Overt Act 11: On or about August 29, 1995, Wai Kwong Ho filed a false affidavit of support on behalf
9 of defendant WAN FANG KUANG with the INS.

10 Overt Act 12: On or about September 27, 1995, defendant WAN FANG KUANG obtained an
11 Immigrant Visa and Alien Registration at the American Embassy in Guangzhou, China.

12 Overt Act 13: On or about July 28, 1997, Wai Kwong Ho and defendant WANFANG KUANG filed
13 a joint petition to remove conditions on residence with the INS.

14 Overt Act 14: On or about August 7, 1997, unindicted co-conspirator Zhen Dong Yu traveled to Hong
15 Kong SAR under the false name of Wing Chung Yu, and obtained a Document of Identity for Visa Purposes
16 under the name of Wing Chung Yu.

17 Overt Act 15: On or about August 10, 1997, defendant CHAO FAN XU traveled to Hong Kong SAR
18 under the false name of HUI YAT FAI.

19 Overt Act 16: On or about December 9, 1997, defendant GUO JUN XU traveled to Hong Kong SAR
20 under the false name of HUI KIT SHUN.

21 Overt Act 17: On or about July 27, 1998, defendant WAN FANG KUANG filed an application for
22 naturalization as a United States citizen with the INS.

23 Overt Act 18: On or about January 1, 1999, Wai Kwong Ho executed a lease for an apartment located
24 at 1729 Hart Street, in Ridgewood, New York, to be submitted to the INS to falsely establish a residence for
25 Wai Kwong Ho and defendant WAN FANG KUANG.

26 Overt Act 19: On or about May 9, 1999, defendant WAN FANG KUANG entered the United States
27 at San Francisco, California.

28 //

1 Overt Act 20: On or about November 10, 1999, defendant YING YI YU became a naturalized United
2 States citizen.

3 Overt Act 21: On or about November 23, 1999, defendant WAN FANG KUANG deposited
4 approximately \$13,000 "front money or safekeeping" at Caesar's Palace in Las Vegas, Nevada.

5 Overt Act 22: On or about November 27, 1999, defendant WAN FANG KUANG redeemed/withdrew
6 approximately \$16,000 from Caesar's Palace in Las Vegas, Nevada.

7 Overt Act 23: On or about January 25, 2000, defendant WAN FANG KUANG obtained a permit to
8 reenter the United States from the INS.

9 Overt Act 24: On or about May 26, 2000, Wai Kwong Ho filed an affidavit with the INS on behalf of
10 defendant WAN FANG KUANG. The affidavit stated falsely that they had been married on October 11,
11 1994, that they had two children, and that they looked forward to a long and happy life together.

12 Overt Act 25: On or about July 22, 2000, defendant WAN FAN KUANG became a naturalized citizen
13 of the United States.

14 Overt Act 26: On or about September 20, 2000, defendant GUO JUN XU obtained a United States
15 non-immigrant visa under the false name of HUI KIT SHUN.

16 Overt Act 27: On or about September 20, 2000, unindicted co-conspirator Zhen Dong Yu obtained a
17 United States visa under the false name of Wing Chung Yu, at the United States Consulate in Guangzhou,
18 China.

19 Overt Act 28: On or about September 30, 2000, unindicted co-conspirator Zhen Dong Yu arrived in
20 the United States, under the false name of Wing Chung Yu.

21 Overt Act 29: On or about October 1, 2000, unindicted co-conspirator Zhen Dong Yu presented a
22 Hong Kong SAR identification document under the false name of Wing Chung Yu to Caesar's Palace in Las
23 Vegas, Nevada.

24 Overt Act 30: On or about October 1, 2000, unindicted co-conspirator Zhen Dong Yu, using the alias
25 of Wing Chung Yu, redeemed approximately \$40,000 in chips at Caesar's Palace in Las Vegas, Nevada.

26 Overt Act 31: On or about October 1, 2000, defendant CHAO FAN XU, using the false name of HUI
27 YAT FAI, withdrew/redeemed approximately \$50,000 at Caesar's Palace in Las Vegas, Nevada.

28 //

1 Overt Act 32: On or about October 1, 2000, defendant WAN FANG KUANG redeemed
2 approximately \$30,000 in chips at Caesar's Palace in Las Vegas, Nevada.

3 Overt Act 33: On or about October 3, 2000, defendant WAN FANG KUANG redeemed
4 approximately \$30,000 in chips at Caesar's Palace in Las Vegas, Nevada.

5 Overt Act 34: On or about October 4, 2000, defendant CHAO FAN XU entered the United States
6 at Las Vegas, Nevada, using a fraudulently obtained visa, issued to his false identity of HUI YAT FAI.

7 Overt Act 35: On or about October 5, 2000, defendant CHAO FAN XU, using the false name of HUI
8 YAT FAI, transferred approximately \$100,000 from Los Angeles, California, to Hong Kong SAR.

9 Overt Act 36: On or about October 6, 2000, defendant GUO JUN XU entered the United States at
10 Las Vegas, Nevada, using a fraudulently obtained visa, issued to his false identity of HUI KIT SHUN.

11 Overt Act 37: On or about October 7, 2000, defendant WAN FANG KUANG redeemed
12 approximately \$14,000 in chips at Caesar's Palace in Las Vegas, Nevada.

13 Overt Act 38: On or about October 8, 2000, defendant WAN FANG KUANG redeemed
14 approximately \$20,000 in chips at Caesar's Palace in Las Vegas, Nevada.

15 Overt Act 39: On or about October 9, 2000, defendant WAN FANG KUANG obtained a cash
16 advance of approximately \$60,000 from Caesar's Palace, Las Vegas, Nevada.

17 Overt Act 40: On or about October 9, 2000, defendant GUO JUN XU, using the false name of HUI
18 KIT SHUN, obtained an advance of approximately \$28,000 at Caesar's Palace in Las Vegas, Nevada.

19 Overt Act 41: On or about October 10, 2000, defendant WAN FANG KUANG deposited
20 approximately \$30,000 "front money or safekeeping" with the Paris Casino in Las Vegas, Nevada.

21 Overt Act 42: On or about October 10, 2000, defendant WAN FANG KUANG deposited
22 approximately \$50,000 "front money or safekeeping" with the Paris Casino in Las Vegas, Nevada.

23 Overt Act 43: On or about October 11, 2000, defendant GUO JUN XU obtained a check for
24 approximately \$90,000 from the Paris Casino Cage Account made out to his alias, HUI KIT SHUN.

25 Overt Act 44: On or about October 11, 2000, defendant GUO JUN XU redeemed approximately
26 \$195,500 in chips at the Paris Casino in Las Vegas, Nevada.

27 Overt Act 45: On or about January 19, 2001, unindicted co-conspirator Zhen Dong Yu obtained a
28 United States visa under the false name of Wing Chung Yu.

1 Overt Act 46: On or about February 3, 2001, defendant GUO JUN XU, using the false name of HUI
2 KIT SHUN, made application to marry Joanne Xiu Zhen Xie, a naturalized American citizen, in Hong Kong
3 SAR.

4 Overt Act 47: On or about February 5, 2001, unindicted co-conspirator Zhen Dong Yu, using his false
5 name of Wing Chung Yu, applied to marry Shanna Yu Ma (also known as Shu Zhuan Ma and Shu Zhuan Yu),
6 a naturalized American citizen, in Hong Kong SAR.

7 Overt Act 48: On or about February 21, 2001, defendant CHAOFAN XU, using his alias of HUI
8 YAT FAI, filed a false affidavit with the INS as part of his petition to become a naturalized American citizen.

9 Overt Act 49: On or about February 21, 2001, Mei Xie Peng filed a false affidavit with the INS in
10 support of the application for legal permanent resident status filed in behalf of defendant CHAO FAN XU,
11 under his alias of HUI YAT FAI.

12 Overt Act 50: On or about March 9, 2001, defendant GUO JUN XU, using his false identity as HUI
13 KIT SHUN, registered his marriage to Joanne Xiu Zhen Xie, a naturalized United States citizen, in Hong Kong
14 SAR.

15 Overt Act 51: On or about March 11, 2001, defendant CHAO FAN XU, under his false identity as
16 HUI YAT FAI, married Mei Xie Peng (also known as Mei Yu Xie), a naturalized United States citizen, in
17 Hong Kong SAR.

18 Overt Act 52: On or about April 30, 2001, unindicted co-conspirator Zhen Dong Yu, using the name
19 Wing Chung Yu, arrived in Las Vegas, Nevada.

20 Overt Act 53: On or about May 3, 2001, unindicted co-conspirator Zhen Dong Yu, using his false
21 identity as Wing Chung Yu, married Shanna Yu Ma, a naturalized United States citizen, in Los Angeles,
22 California.

23 Overt Act 54: On or about June 1, 2001, unindicted co-conspirator Zhen Dong Yu, under his false
24 identity of Wing Chung Yu, submitted an application to the INS for advance parole to return to the United
25 States after foreign travel.

26 Overt Act 55: On or about June 1, 2001, unindicted co-conspirator Zhen Dong Yu, using his false
27 identity as Wing Chung Yu, submitted an application for legal permanent resident status to the INS.

28 //

1 Overt Act 56: On or about June 1, 2001, Shanna Yu Ma filed a Petition for Alien Relative with the INS
2 on behalf of unindicted co-conspirator Zhen Dong Yu, under his false identity of Wing Chung Yu.

3 Overt Act 57: On or about May 7, 2001, defendant WAN FANG KUANG redeemed \$11,300 in chips
4 at Caesar's Palace in Las Vegas, Nevada.

5 Overt Act 58: On or about May 8, 2001, defendant WAN FANG KUANG redeemed \$20,000 in chips
6 at Caesar's Palace in Las Vegas, Nevada.

7 Overt Act 59: On or about May 10, 2001, Shanna Yu Ma filed an Affidavit of Support with the INS
8 as a Sponsor for Wing Chung Yu, the false identity of unindicted co-conspirator Zhen Dong Yu.

9 Overt Act 60: On or about June 1, 2001, Joanne Xiu Xie filed a petition for alien relative with the INS,
10 on behalf of defendant GUO JUN XU, under his alias of HUI KIT SHUN.

11 Overt Act 61: On or about June 12, 2001, Mei Xie Peng filed a petition with the INS on behalf of
12 defendant CHAO FAN XU, under his alias of HUI YAT FAI.

13 Overt Act 62: On or about August 21, 2001, unindicted co-conspirator Zhen Dong Yu caused the INS
14 to issue an employment authorization to his false identity as Wing Chung Yu.

15 Overt Act 63: On or about September 28, 2001, defendant CHAO FAN XU, using his false identity
16 of HUI YAT FAI, deposited approximately \$1,000,000 with Desert Palace Inc. in Hong Kong SAR.

17 Overt Act 64: On or about October 2001, defendant CHAO FAN XU caused approximately
18 \$2,000,000 to be deposited to his account at Caesar's Palace in Las Vegas, Nevada, under his false name of
19 HUI YAT FAI.

20 Overt Act 65: On or about October 2, 2001, defendants CHAO FAN XU, GUO JUN XU and
21 unindicted co-conspirator Zhen Dong Yu entered the United States at Las Vegas, Nevada, using fraudulent
22 identification and travel documents issued to their false identities.

23 Overt Act 66: On or about October 2, 2001, defendants WAN FANG KUANG, YING YI YU and
24 FION XU HUI YU entered the United States at Las Vegas, Nevada, traveling with CHAO FAN XU, GUO
25 JUN XU, and unindicted co-conspirator Zhen Dong Yu.

26 Overt Act 67: On or about October 4, 2001, defendant GUO JUN XU presented a United States non-
27 immigrant visa in the name of HUI KIT SHUN to the Bellagio Hotel in Las Vegas, Nevada.

28 //

1 Overt Act 68: On or about October 15, 2001, defendants CHAO FAN XU, GUO JUN XU and
2 unindicted co-conspirator Zhen Dong Yu arrived in Vancouver, Canada, using fraudulent identification and
3 travel documents issued to their false identities. Co-conspirator Zhen Dong Yu was carrying approximately
4 \$10,000 U.S. Dollars and approximately \$10,000 Hong Kong Dollars on his person.

5 Overt Act 69: On or about October 15, 2001, defendants CHAO FAN XU and GUO JUN XU arrived
6 in the United States at Las Vegas, Nevada, traveling under fraudulently obtained identification and travel
7 documents, issued to their false identities.

8 Overt Act 70: On or about October 15, 2001, unindicted co-conspirator Zhen Dong Yu transferred
9 approximately \$6.57 million Hong Kong Dollars to the account of Cindy Yu Chu Ching at the Royal Bank of
10 Canada. Ching is the girlfriend of Wa Po Kwong, older brother of defendant WAN FANG KUANG.

11 Overt Act 71: On or about October 15, 2001, defendant WAN FANG KUANG transferred
12 approximately \$798,413.19 Canadian Dollars to her account at the Royal Bank of Canada in Toronto.

13 Overt Act 72: On or about October 15, 2001, defendants CHAO FAN XU, GUO JUN XU, and
14 unindicted co-conspirator Zhen Dong Yu transferred approximately \$67,000,000 Hong Kong Dollars from
15 accounts at Fortis Bank, ING Bank and Credit Lyonnais, to an account held by Desert Palace, Inc. in Hong
16 Kong SAR.

17 Overt Act 73: On or about October 15, 2001, unindicted co-conspirator Zhen Dong Yu transferred
18 approximately \$7,843,550.78 between various accounts he held at Standard Chartered Bank in Hong Kong,
19 SAR.

20 Overt Act 74: On or about October 15, 2001, unindicted co-conspirator Zhen Dong Yu transferred
21 approximately \$2,000,000 from his Standard Chartered Bank account number 320-20399980 to his brother
22 Zhen Feng Yu's Bank of America account in San Francisco, California.

23 Overt Act 75: On or about October 15, 2001, unindicted co-conspirator Zhen Dong Yu transferred
24 approximately \$1,553,000 from his Standard Chartered Bank to his brother Zhen Feng Yu's Citibank account
25 in San Francisco, California.

26 Overt Act 76: On or about October 16, 2001, defendants WAN FANG KUANG, YING YI YU and
27 FION XU HUI YU arrived in Vancouver, Canada.

28 //

1 Overt Act 77: On or about October 18, 2001, defendant FION XU HUI YU became a naturalized
2 United States citizen.

3 Overt Act 78: On or about November 13, 2001, defendant CHAO FAN XU, under his false name of
4 HUI YAT FAI, and an unindicted co-conspirator filed a complaint in Clark County Court, Nevada, seeking
5 return of \$13,000,000 held by Desert Palace, Inc. in Hong Kong SAR.

6 Overt Act 79: On or about November 14, 2001, unindicted co-conspirator Zhen Dong Yu caused the
7 INS to issue an "Authorization for Parole of an Alien in to the US" to his false identity of Wing Chung Yu.

8 Overt Act 80: On or about August 27, 2002, unindicted co-conspirator Zhen Dong Yu, under his false
9 identity as Wing Chung Yu, caused a letter to be sent to the INS, requesting that an interview scheduled for
10 September 12, 2002 be reset. The letter stated that Wing Chung Yu was out of the country, and unable to get
11 back in time for the interview.

12 Overt Act 81: On or about December 19, 2002, unindicted co-conspirator Zhen Dong Yu, using his
13 false identity of Wing Chung Yu, reported to the INS office in Los Angeles for an interview regarding his
14 immigration status.

15 Overt Act 82: On or about December 24, 2002, Shanna Yu Ma withdrew her petition with INS on
16 behalf of her "husband," Wing Chung Yu, the false identity of unindicted co-conspirator Zhen Dong Yu, who
17 was arrested on or about December 19, 2002.

18 All in violation of Title 18, United States Code, Sections 371 and 2.

19 **COUNT TWO**

20 (Use of a Fraudulently Obtained Visa)

21 14. On or about October 4, 2000, in the District of Nevada, defendant CHAO FAN XU knowingly
22 used and presented a United States non-immigrant visa he knew to have been procured by fraud and false
23 statement, for the purpose of entering the United States at Las Vegas, Nevada, all in violation of Title 18,
24 United States Code, Sections 1546(a) and 2.

25 //

26 //

27 //

28 //

COUNT THREE
(Use of a Fraudulently Obtained Visa)

15. On or about October 6, 2000, in the District of Nevada, defendant GUO JUN XU knowingly used and presented a United States non-immigrant visa he knew to have been procured by fraud and false statement, for the purpose of entering the United States at Las Vegas, Nevada, all in violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNT FOUR
(Marriage Fraud)

16. On or about March 9, 2001, defendant GUO JUN XU, who was at that time an alien, did knowingly and unlawfully enter into a marriage with Joanne Xiu Zhen Xie, a naturalized American citizen, in Hong Kong SAR, without intending to establish a life together with Joanne Xie as man and wife, for the purpose of evading provisions of the United States Immigration law, in violation of Title 8, United States Code, Section 1325(c) and Title 18, United States Code, Section 2.

COUNT FIVE
(Marriage Fraud)

17. On or about March 11, 2001, defendant CHAO FAN XU, who was at that time an alien, did knowingly and unlawfully enter into a marriage with Mei Xie Peng, also known as Mei Yu Xie, a naturalized American citizen, in Hong Kong SAR, without intending to establish a life together with Mei Peng as man and wife, for the purpose of evading provisions of the United States Immigration law, in violation of Title 8, United States Code, Section 1325(c) and Title 18, United States Code, Section 2.

COUNT SIX
(Visa Fraud)

18. On or about September 20, 2000, at the American Consulate in Hong Kong SAR, defendant GUO JUN XU applied for a United States non-immigrant visa, and falsely appeared under the name of HUI KIT SHUN, with the intent to evade the immigration laws by appearing under an assumed or fictitious name and without disclosing his true identity, all in violation of Title 18, United States Code, Section 1546(a) and Section 2.

COUNT SEVEN

(Use of a Fraudulently Obtained Visa)

19. On or about October 2, 2001, in the District of Nevada, defendant CHAO FAN XU knowingly used and presented a United States non-immigrant visa he knew to have been procured by fraud and false statements, for the purpose of entering the United States at Las Vegas, Nevada, all in violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNT EIGHT

(Use of a Fraudulently Obtained Visa)

20. On or about October 2, 2001, in the District of Nevada, defendant GUO JUN XU knowingly used and presented a United States non-immigrant visa he knew to have been procured by fraud and false statements, for the purpose of entering the United States at Las Vegas, Nevada, all in violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNT NINE

(Use of a Fraudulently Obtained Visa)

21. On or about October 2, 2001, in the District of Nevada, defendant GUO JUN XU knowingly used and presented a United States non-immigrant visa that he knew to have been procured by fraud and false statements, to the Bellagio Hotel in Las Vegas, Nevada, as evidence of an authorized stay in the United States, all in violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNT TEN

(Use of a Fraudulently Obtained Visa)

22. On or about October 15, 2001, in the District of Nevada, defendant CHAO FAN XU knowingly used and presented a non-immigrant United States visa he knew to have been procured by fraud and false statements, for the purpose of entering the United States at Las Vegas, Nevada, all in violation of Title 18, United States Code, Sections 1546(a) and 2.

//

//

//

//

COUNT ELEVEN
(Use of a Fraudulently Obtained Visa)

23. On or about October 15, 2001, in the District of Nevada, defendant GUO JUN XU knowingly used and presented a non-immigrant United States visa he knew to have been procured by fraud and false statements, for the purpose of entering the United States at Las Vegas, Nevada, all in violation of Title 18, United States Code, Sections 1546(a) and 2.

NOTICE OF SPECIFIC FACTS

24. For purposes of this prosecution, the Grand Jury further alleges the following:

(a) The conduct of the defendants and their co-conspirators involved the use of United States visas to commit and to attempt to commit other violations of United States non-immigration statutes.

(b) The conspiracy among and between the defendants and their co-conspirators included the object and purpose of obstructing justice in the detection, investigation and prosecution of another criminal offense.

(c) The conspiracy among and between the defendants and their co-conspirators caused substantial interference with the administration of justice.

(d) The conspiracy among and between the defendants and their c-conspirators was extensive in scope, planning and preparation.

(e) The conduct of the defendants and their co-conspirators included the execution of a fraudulent scheme at least partially from outside the United States.

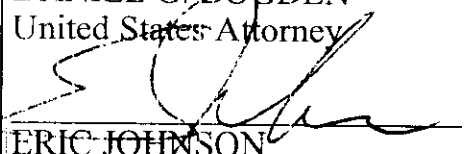
(f) The conduct of the defendants and their co-conspirators involved the unauthorized use of identification documents to obtain other means of identification.

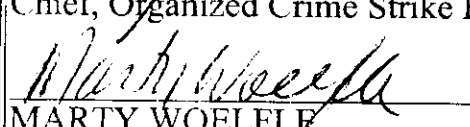
DATED: this 21 day of September 2004.

A TRUE BILL:


FOREPERSON OF THE GRAND JURY

DANIEL G. BOGDEN
United States Attorney


ERIC JOHNSON
Chief, Organized Crime Strike Force


MARTY WOELFLE
Trial Attorney, Organized Crime
and Racketeering Section